

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 78 be amended to read as follows:

- 1 Replace the effective dates in SECTIONS 1 through 2 with
- 2 "[EFFECTIVE UPON PASSAGE]".
- 3 Page 1, between the enacting clause and line 1, begin a new
- 4 paragraph and insert:
- 5 "SECTION 1. IC 6-1.1-1-11, AS AMENDED BY P.L.214-2005,
- 6 SECTION 10, IS AMENDED TO READ AS FOLLOWS
- 7 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Subject to the limitation
- 8 contained in subsection (b), "personal property" means:
- 9 (1) nursery stock that has been severed from the ground;
- 10 (2) florists' stock of growing crops which are ready for sale as pot
- 11 plants on benches;
- 12 (3) billboards and other advertising devices which are located on
- 13 real property that is not owned by the owner of the devices;
- 14 (4) motor vehicles, mobile houses, airplanes, boats not subject to
- 15 the boat excise tax under IC 6-6-11, and trailers not subject to the
- 16 trailer tax under IC 6-6-5;
- 17 (5) foundations (other than foundations which support a building
- 18 or structure) on which machinery or equipment is installed;
- 19 **(6) fences that are:**
- 20 **(A) installed or placed in service after March 15, 2006; and**
- 21 **(B) used for the purpose of providing security for a**
- 22 **fertilizer or pesticide by:**
- 23 **(i) restricting access to or control of; or**
- 24 **(ii) conducting surveillance on or detecting unauthorized**
- 25 **access to;**
- 26 **the fertilizer or pesticide; and**
- 27 ~~(6)~~ **(7) all other tangible property (other than real property) which**
- 28 **is being:**
- 29 **(A) held for sale in the ordinary course of a trade or business;**
- 30 **(B) held, used, or consumed in connection with the production**
- 31 **of income; or**
- 32 **(C) held as an investment.**

(b) Personal property does not include the following:

(1) Commercially planted and growing crops while they are in the ground.

(2) Computer application software that is not held as inventory (as defined in IC 6-1.1-3-11).".

Page 2, line 1, after "of" insert **"any tangible personal property that is:**

(1) installed or placed in service after March 15, 2006; and

(2) used for the purpose of providing security for a fertilizer or pesticide by:

(A) restricting access to or control of; or

(B) conducting surveillance on or detecting unauthorized access to;

the fertilizer or pesticide."

Page 2, delete lines 2 through 7.

Page 2, delete lines 15 through 20, begin a new paragraph and insert:

"(d) The total annual amount of the deduction that a person may receive under:

(1) subsection (b) for tangible personal property installed or placed in service; and

(2) subsection (c) for the assessed value of a chemical added to and designed to deter the theft of a fertilizer or pesticide;

at a facility may not exceed fifty thousand dollars (\$50,000)."

Page 2, line 24, delete "With respect".

Page 2, delete line 25.

Page 2, line 26, delete "of the assessment year. With respect to personal property, the" and insert **"In addition to the certified statement, the person must file a certification by the state chemist that the property for which the deduction is claimed has been installed or placed in service. The"**.

Page 2, line 27, after "statement" insert **"and certification"**.

Page 2, between lines 35 and 36, begin a new paragraph and insert:

"(f) A person that qualifies for a deduction for a year under this section and under IC 6-1.1-12.4 with respect to the same property may not receive a deduction under both this section and

- 1 **IC 6-1.1-12.4 for the property."**
- 2 Page 2, line 38, delete "2007." and insert "**2006.**".
- 3 Page 2, after line 38, begin a new paragraph and insert:
- 4 "**SECTION 4. An emergency is declared for this act.**".
- 5 Renumber all SECTIONS consecutively.
(Reference is to SB 78 as printed January 20, 2006.)

Senator WEATHERWAX